

Entered - 1/19/10 - sb
CL- 10L0037 - Angelena Kelly

10- R -0372

Claim of: Earl Wasserman
417 Oakmont Place
Atlanta, GA 30327

MAR 01 2010

For damages allegedly sustained as a result of driving over
an unsecured metal plate on November 16, 2009 at 5600
Glenridge Drive, Sandy Springs.

THIS ADVERSE REPORT IS APPROVED

BY:


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

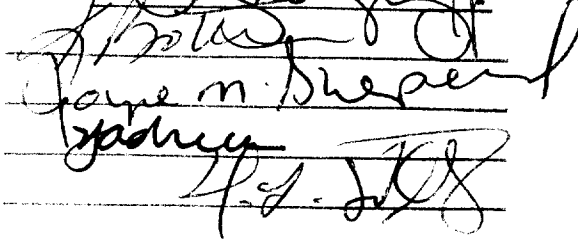
ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE

2/23/10

CHAIR


James M. Shepherd
James M. Shepherd
James M. Shepherd
James M. Shepherd

ADVERSE
CITY COUNCIL

MAR 01 2010



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6030
FAX (404) 658-6273

March 9, 2010

Mr. Earl Wasserman
417 Oakmont Place
Atlanta, Georgia 30327

10-R-0372

Dear Mr. Wasserman

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on March 1, 2010. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Sincerely,
Rhonda Dauphin Johnson

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 10L0037

Date: January 29, 2010

Claimant /Victim: Earl Wasserman

BY:(Atty)(Ins. Co.)

Address: 417 Oakmont Place, Atlanta, GA 30327

Subrogation: Claim for Property damage \$ 122.07 Bodily Injury \$

Date of Notice: 1/12/10 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence: 11/16/09 Place: 5600 Glenridge Drive, Sandy Springs

Department: Bureau: Office:

Employee involved: Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that his vehicle sustained damage when he drove over an unsecured metal plate at the above location. However, the investigation determined that this location is outside of the City of Atlanta limits and is located in the City of Sandy Springs. The claimant has been advised to pursue his claim with the City of Sandy Springs.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures X Diagrams Reports: Police X Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial

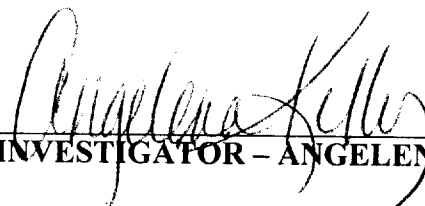
Improper Notice More than Six Months Other Damages reasonable

City not involved X Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - ANGELENA KELLY

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation

Claims Manager:  Concur/date 02/10/10

Committee Action: Council Action

RECEIVED
OFFICE OF
MUNICIPAL CLERK

2010 JAN 12 AM 8:44

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK

City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

Today's Date: 12/5/09

ENTERED - 1-19-10 - SB

1010037 - A. KELLY

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 1000.00 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 11/16/09 2. Time of incident: 6:40P 3. Police called: 6:45
4. Location of incident (including street address): 5600 Block - Glenridge Road
5. Name of your insurance company: BALBOA INS CO Policy No. 200-00-50-63A

6. State what and how incident occurred:

STREET DEEP - NIGHTTIME CONDITIONS

DROVE OVER STEEL STREET MAINTENANCE COVER
IN CENTER OF ROAD - BLEW OUT FRONT RIGHT TIRE

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: BMW 2007 AVE 8973 EARL S. WASSERMAN
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: SEE ATTACHED

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE
ABOVE INFORMATION IS TRUE AND
CORRECT.

Signature of Claimant

EARL S. WASSERMAN
(Print Claimant's Name)

417 CANTON ST NW
(Address)

ATLANTA, GA 30327
(City, State and Zip Code)

678-638-1600 404-252-2622
(Work Number) (Home Number)

10- R -0372

		03-01-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0275 2. 10-O-0276 3. 10-O-0277 4. 10-O-0278 5. 10-O-0279 6. 10-O-0289 7. 10-O-0290 8. 10-O-0291 9. 10-O-0292 10. 10-O-0293 11. 10-O-0294 12. 10-O-0296 13. 10-O-0241 14. 10-O-0307 15. 10-R-0334 16. 10-R-0335 17. 10-R-0390 19. 10-R-0395 20. 10-R-0407 21. 10-R-0411 22. 10-R-0394 23. 10-R-0396 24. 10-R-0338 25. 10-R-0339 26. 10-R-0340 27. 10-R-0341 28. 10-R-0342 29. 10-R-0343 30. 10-R-0344 31. 10-R-0345 32. 10-R-0346 33. 10-R-0347 34. 10-R-0348 35. 10-R-0349	36. 10-R-0350 37. 10-R-0351 38. 10-R-0352 39. 10-R-0353 40. 10-R-0354 41. 10-R-0355	42. 10-R-0356 43. 10-R-0357 44. 10-R-0358 45. 10-R-0359 46. 10-R-0360 47. 10-R-0361 48. 10-R-0362 49. 10-R-0363 50. 10-R-0364 51. 10-R-0365 52. 10-R-0366 53. 10-R-0367 54. 10-R-0368 55. 10-R-0369 56. 10-R-0370 57. 10-R-0371 58. 10-R-0372 59. 10-R-0373 60. 10-R-0374 61. 10-R-0375 62. 10-R-0376 63. 10-R-0377 64. 10-R-0378 65. 10-R-0379 66. 10-R-0380 67. 10-R-0381 68. 10-R-0382 69. 10-R-0383 70. 10-R-0384 71. 10-R-0385